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FEDERAL ELECTION
COMMISSION****2009 JUL -6 PM 12:20****OFFICE OF GENERAL
COUNSEL**

July 1, 2009

Jeff S. Jordan, Esq.
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: MUR 6192

Dear Mr. Jordan:

The undersigned represents the Lakin Law Firm, P.C. ("LLF"). By this letter, the committee responds to a complaint filed by Stephen Jellen. Mr. Jellen's complaint alleges that the Madison County Democrat Central Committee (MCDCC) violated the law by failing to register as a federal political committee. In addition, the complaint alleges that two donors may have exceeded the federal limits, including my client, Lakin Law Firm, LLC. To my knowledge there is no entity known as Lakin Law Firm, LLC.

The complaint should be dismissed. The complaint fails to allege any facts that would support a violation of the Federal Election Campaign Act. The Commission requires that "[t]he Commission may find 'reason to believe' only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the FECA." MUR 4960 (Hillary Rodham Clinton For U.S. Senate Exploratory Committee, Inc.), Statement of Reasons of Commissioners David M. Mason, Karl J. Sandstrom, Bradley A. Smith and Scott E. Thomas at 1. The complaint sets forth only two relevant facts in alleging that the MCDCC is a political committee. First, the complaint alleges that the MCDCC made a contribution of \$1,000 to a federal candidate. Federal law permits a non-registered committee to make up to \$1,000 in direct contributions without having to register with the Commission in a calendar year. 2 U.S.C. § 431(4)(C).

Second, the complaint alleges that the MCDCC "has paid for and directed the creation and dissemination of campaign literature, mailings, media advertisements and web pages, as well as rallies, fundraisers and voting promotion of both federal and non-federal candidates....They seem to have exceeded \$5,000 in one year." (emphasis

added).¹ Thus, the complaint makes a vague allegation that the committee seemed to have made additional expenditures for federal candidates in excess of \$5,000 in a calendar year and does not specify any particular activities undertaken by the MCDCC directly on behalf of any federal candidate. Therefore, this complainant's allegations fail to provide any specific facts that could lead to a conclusion that a violation has occurred as required by the Commission.

Further, with respect to our client, the LFF, the firm made only two monetary and one in-kind contributions to the MCDCC. It was the understanding that each of these contributions was intended for non-federal activities (See attached affidavit of Bradley M. Lakin, partner of the Lakin Law Firm). Even if the MCDCC made a limited amount of contributions or expenditures for federal elections from a single account, it is clear from the disclosure reports supplied by the complainant that the MCDCC had ample funds from other sources to pay for the federal portion of its activities using a reasonable accounting method. See 11 C.F.R. § 102.5(b).

Even if, assuming *arguendo*, the Commission concludes that the MCDCC should have registered as a federal committee, and even if the funds donated by the LFF were, in fact, used to pay for federal activities, the Commission has not pursued enforcement actions against the donors of non-federal committees if it determined that the committee should have registered with the Commission. See e.g. MUR 5440 (Media Fund).

Based upon the above, the Commission should find no reason to believe that the Lakin Law Firm, PC violated any provision of the Federal Election Campaign Act and close the matter with respect to my client.

If you have any questions or concerns, please call me at (202) 479-1111.

Sincerely,



Neil Reiff

Counsel to the Lakin Law Firm

¹ The MCDCC could have made additional disbursements for the federal portion of exempt activities up to \$5,000 in a calendar year and unlimited generic vote democratic activities without triggering registration requirements. 2 U.S.C. § 431(4)(C).

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